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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOHN MICHAEL SHERWOOD,

14 Defendant.

CASE NO. CR22-0127JLR

ORDER

15 Before the court is Defendant John Michael Sherwood's motion for payment of
16 witness fees and allowances at public expense. (Mot. (Dkt. # 127).) Specifically, Mr.
17 Sherwood requests that the United States Marshals Service pay the following expenses of
18 trial witness Andy Stevenson,¹ a resident of Port Angeles: (1) \$1,000.00 for two nights
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21 ¹ The court previously granted Mr. Sherwood's *ex parte* motion for issuance of a
22 subpoena to Mr. Stevenson, pursuant to Federal Rule of Criminal Procedure 17(b). (7/18/24
Order (Dkt. # 103 (sealed))); *see also* Fed. R. Crim. P. 17(b) ("If the court orders a subpoena to
be issued" on behalf of an indigent defendant, the "witness fees will be paid in the same manner
as those paid for witnesses the government subpoenas.").

1 of hotel lodging in downtown Seattle; (2) \$235.20 for travel expenses, including mileage,
 2 parking, and ferry fees; (3) \$158.00 for two days of meals in Seattle; and (4) \$40.00 for a
 3 single day of testimony. (Santiago Decl. (Dkt. # 127-1) ¶¶ 7-9, 11.) For the reasons
 4 explained below, the court GRANTS in part and DENIES in part the motion.

5 28 U.S.C. § 1821 governs witness fees and allowances in federal court. That
 6 statute provides for a travel allowance including ferry tolls, parking fees, and private
 7 vehicle mileage as prescribed by the Administrator of General Services; subsistence not
 8 to exceed the maximum per diem allowance prescribed by the Administrator of General
 9 Services; and a \$40.00 per day witness attendance fee for each day's attendance. 28
 10 U.S.C. § 1821(a)-(d). The Administrator of General Services has set the mileage rate at
 11 \$0.67 per mile,² and the daily lodging rate for Seattle at \$232.00 per night.³ The meals
 12 and incidentals rate is \$59.25 for the first and last day of travel, and \$79.00 for all other
 13 travel days.⁴

14 The court has reviewed Mr. Sherwood's requested witness expenses and
 15 concludes that certain requested expenses exceed the amounts authorized by 28 U.S.C.
 16 § 1821—specifically, Mr. Stevenson's meal and lodging expenses. Accordingly, the
 17 court ORDERS as follows:

18 ² *Privately owned vehicle (POV) mileage reimbursement rates*, U.S. General Services
 19 Administration, <https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement> (last visited July 24, 2024).

20 ³ *FY 2024 Per Diem Rates for Seattle*, Washington, U.S. General Services
 21 Administration, [https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024%20\(Current%20Fiscal%20Year\)&city=Seattle&state=WA&zip=](https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024%20(Current%20Fiscal%20Year)&city=Seattle&state=WA&zip=) (last visited July 24, 2024).

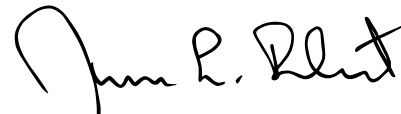
22 ⁴ *Id.*

1 1. The United States Marshals Service shall pay Mr. Stevenson's witness
2 expenses, as set forth below, in the same manner as those paid for government witnesses.

3 2. Mr. Stevenson's witness expenses shall include: (1) two nights of hotel
4 lodging expenses up to \$464.00; (2) travel expenses up to \$235.20, comprising per diem
5 mileage for 210 miles of travel, parking fees, and ferry tolls; (3) meals and incidentals up
6 to \$138.25, comprising one full day and one travel day in Seattle; and (4) an attendance
7 fee of \$40.00 for a single day of testimony. Thus, Mr. Stevenson's witness expenses
8 shall not exceed a total of **\$877.45**.

9 3. Mr. Sherwood's motion (Dkt. # 127) is GRANTED in part and DENIED in
10 part as described herein.

11 Dated this 25th day of July, 2024.



JAMES L. ROBART
United States District Judge